

S.I. No. 664/2010 — Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2010.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th January, 2011.*

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by sections 10 , 12 , 14 , 15 and 17 of the Sea Pollution Act 1991 (No. 27 of 1991) and the Maritime Transport, Safety and Security (Transfer of Departmental Administration and Ministerial Functions) Order 2005 (S.I. No. 842 of 2005), hereby make the following regulations:

1. (1) These Regulations may be cited as the Sea Pollution (Prevention of Oil Pollution) (Amendment) Regulations 2010.

(2) These Regulations come into operation on 1 January 2011.

2. In these Regulations:

“Form A” means the International Oil Pollution Certificate set out in Schedule 2 of the Principal Regulations entitled “Record of Construction and Equipment for Ships other than Oil Tankers”;

“Form B” means the International Oil Pollution Certificate set out in Schedule 2 of the Principal Regulations entitled “Record of Construction and Equipment for Oil Tankers”;

“Principal Regulations” means the Sea Pollution (Prevention of Oil Pollution) Regulations 2007 (S.I. No. 788 of 2007).

3. Regulation 2(1) of the Principal Regulations is amended—

(a) by inserting after the definition of “oil record book” the following:

“ ‘oil residue (sludge)’ means the residual waste oil products generated during the normal operation of a ship such as those resulting from the purification of fuel or lubricating oil for main or auxiliary machinery, separated waste oil from oil filtering equipment, waste oil collected in drip trays, and waste hydraulic and lubricating oils;

‘oil residue (sludge tank)’ means a tank which holds oil residue (sludge) from which sludge may be disposed directly through the standard discharge connection or any other approved means of disposal;”,

(b) by inserting after the definition of “oil tanker delivered on or after 1 January 2010” the following:

“ ‘oily bilge water’ means water which may be contaminated by oil resulting from things such as leakage or maintenance work in machinery spaces. Any liquid entering the bilge system including bilge wells, bilge piping, tank top or bilge holding tanks is considered oily bilge water;

‘oily bilge water holding tank’ means a tank collecting oily bilge water prior to its discharge, transfer or disposal;”,

and

(c) by inserting after the definition of “special area” the following:

“ ‘STS operations’ means the transfer of oil cargo between oil tankers at sea;”,

4. Regulation 12 of the Principal Regulations is amended—

(a) by substituting for paragraph (1) the following:

“(1) Every ship of 400 gross tonnage or above shall be provided with a tank or tanks of adequate capacity, having regard to the type of machinery and length of voyage, to receive the oil residues (sludge) which cannot be dealt with otherwise in accordance with the requirements of these Regulations.”,

and

(b) by inserting after paragraph (1) the following:

“(1A) Oil residue (sludge) may be disposed of directly from every oil residue (sludge) tank through the standard discharge connection referred to in Regulation 14, or any other approved means of disposal. Every oil residue (sludge) tank—

(a) shall be provided with a designated pump for disposal that is capable of taking suction from every oil residue (sludge) tank, and

(b) shall have no discharge connections to the bilge system, oily bilge water holding tank, tank top or oily water separators except that the oil residue (sludge) tank may be fitted with drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement, provided such arrangement does not connect directly to the bilge piping system.”.

5. The Principal Regulations are amended by substituting “oil residue (sludge)” for “sludge” in Regulations 12(2), 14, 18(2)(c) and 38(2)(a) and (b).

6. Regulation 18(2)(c) of the Principal Regulations is amended by deleting the words “and other oil residues”.

7. The Principal Regulations are amended by inserting after Part 7 the text set out in Part 1 of the Schedule to these Regulations.

8. Schedule 2 of the Principal Regulations is amended—

(a) by substituting for both paragraph 3 of Form A and paragraph 3 of Form B, the text set out in Part 2 of the Schedule to these Regulations;

(b) by deleting the words “(double bottom requirements)” at the end of paragraph 5.8.2 of Form B;

(c) by substituting for paragraph 5.8.5 of Form B, the following:

“5.8.5 The ship is not subject to Regulation 20 (check which box(es) apply):

.1 The ship is less than 5,000 tonnes deadweight

.2 The ship complies with Regulation 20.1.2

.3 The ship complies with Regulation 20.1.3 ”;

(d) by substituting for paragraph 5.8.7 of Form B, the following:

“5.8.7 The ship is not subject to Regulation 21 (check which box(es) apply):

.1 The ship is less than 600 tonnes deadweight

.2 The ship complies with Regulation 19 (Deadweight tonnes 5,000)

.3 The ship complies with Regulation 21.1.2

.4 The ship complies with Regulation 21.4.2 (600 Deadweight tonnes < 5,000)

.5 The ship does not carry “heavy grade oil” as defined in Regulation 21.2 of MARPOL Annex 1”;

(e) by deleting paragraph 6.1.5.4 of Form B;

and

(f) by inserting after paragraph 8 in Form B the following:

“8A Ship-to-ship oil transfer operations at sea (Regulation 41)

8A.1 The oil tanker is provided with an STS operations Plan in compliance with Regulation 41.”.

9. Schedule 3 (Form of Oil Record Book) of the Principal Regulations is amended:

(a) by substituting for paragraphs (A) to (H) in Part 1 the text set out in Part 3 of the Schedule to these Regulations,

and

(b) by substituting paragraph J of Part II with the following:

“(J) Collection, transfer and disposal of residues and oily mixtures not otherwise dealt with

55 Identity of tanks.

56 Quantity transferred or disposed of from each tank. (State the quantity retained, in m3.)

57 Method of transfer or disposal:

.1 disposal to reception facilities (identify port and quantity involved);

.2 mixed with cargo (state quantity);

.3 transferred to or from another tank including transfer from machinery space oil residue (sludge) and oily bilge water tanks (identify every tank; state quantity transferred and total quantity in every tank, in m3); and

.4 other method (state which); state quantity disposed of in m3.”.

SCHEDULE

Part 1

Regulation 7

“PART 7A Prevention of Pollution during Transfer of Oil Cargo between Oil Tankers at Sea

Scope of application

39A.(1) The Regulations in this Part apply to oil tankers of 150 gross tonnage or above engaged in STS operations conducted on or after 1 April 2012. However, STS operations conducted before that date but after the approval of the Minister of STS operations Plan required under Regulation 39B(1) shall be in accordance with the STS operations Plan as far as possible.

(2) The Regulations in this Part shall not apply to oil transfer operations associated with fixed or floating platforms including the following:

(a) drilling rigs;

(b) floating production, storage and offloading facilities (FPSOs) used for the offshore production and storage of oil; and

(c) floating storage units (FSUs) used for the offshore storage of produced oil.

(3) The Regulations in this Part shall not apply to bunkering operations.

(4) The Regulations in this Part shall not apply to STS operations necessary for the purpose of securing the safety of a ship or saving life at sea, or for combating specific pollution incidents in order to minimize the damage from pollution.

General Rules on Safety and environmental protection

39B.(1) Any oil tanker involved in STS operations shall carry on board a Plan prescribing how to conduct STS operations (STS operations Plan) not later than the date of the first annual, intermediate or renewal survey of the ship to be carried out on or after 1 January 2011. Each oil tanker's STS operations Plan shall be approved by the Minister. The STS operations Plan shall be written in the working language of the ship.

(2) The STS operations Plan shall be developed taking into account the information contained in the best practice guidelines for STS operations identified by the Organization. The STS operations Plan may be incorporated into an existing Safety Management System required by chapter IX of the International Convention for the Safety of Life at Sea, 1974, as amended, if that requirement is applicable to the oil tanker in question.

(3) Any oil tanker subject to this Part and engaged in STS operations shall comply with its STS operations Plan.

(4) The person in overall advisory control of STS operations shall be qualified to perform all relevant duties, taking into account the qualifications contained in the best practice guidelines for STS operations identified by the Organization.

(5) Records of STS operations shall be retained on board for 3 years and be readily available for inspection by a Party.

Notification

39C.(1) Each oil tanker subject to this Part that plans STS operations within the territorial sea, or the exclusive economic zone of a Party shall notify that Party not less than 48 hours in advance of the scheduled STS operations. Where, in an exceptional case, all of the information specified in paragraph 2 of this Regulation is not available not less than 48 hours in advance, the oil tanker discharging the oil cargo shall notify the Party, not less than 48 hours in advance that an STS operation will occur and the information specified in paragraph 2 of this Regulation shall be provided to the Party at the earliest opportunity.

(2) The notification specified in paragraph 1 shall include at least the following:

(a) name, flag, call sign, IMO Number and estimated time of arrival of the oil tankers involved in the STS operations;

(b) date, time and geographical location at the commencement of the planned STS operations;

(c) whether STS operations are to be conducted at anchor or underway;

(d) oil type and quantity;

(e) planned duration of the STS operations;

(f) identification of STS operations service provider or person in overall advisory control and contact information; and

(g) confirmation that the oil tanker has on board an STS operations Plan meeting the requirements of Regulation 39B.

(3) If the estimated time of arrival of an oil tanker at the location or area for the STS operations changes by more than 6 hours, the master, owner or agent of that oil tanker shall provide a revised estimated time of arrival to the Party referred to in paragraph (1)."

Part 2

Regulation 8

"3. Means for retention and disposal of oil residues (sludge) (Regulation 12) and oily bilge

water holding tank(s)*

* Oily bilge water holding tank(s) are not required by the Convention; if such tank(s) are provided they shall be listed in Table 3.3.

3. 1 The ship is provided with oil residue (sludge) tanks for retention of oil residues (sludge) on board as follows:

	Tank location			
Tank identification	Frames (from)-(to)	Lateral position	Volume (m3)	
Total volume: m3				

3. 2 Means for the disposal of oil residues (sludge) retained in oil residue (sludge) tanks:

3. 2.1 Incinerator for oil residues (sludge), maximum capacity kW or kcal/h (delete as appropriate)

3. 2.2 Auxiliary boiler suitable for burning oil residues (sludge)

3. 2.3 Other acceptable means, state which

3. 3 The ship is provided with holding tank(s) for the retention on board of oily bilge water as follows:

	Tank location			
Tank identification	Frames (from)-(to)	Lateral position	Volume (m3)	
Total volume: m3				

”.

Part 3

Regulation 9

“(A) Ballasting or cleaning of oil fuel tanks

1 Identity of every tank ballasted.

2 Whether cleaned since they last contained oil and, if not, type of oil previously carried.

3 Cleaning process:

.1 position of ship and time at the start and completion of cleaning;

.2 identify every tank in which one or another method has been employed (rinsed through, steaming, cleaning with chemicals; type and quantity of chemicals used, in m3);

.3 identity of every tank into which cleaning water was transferred and the quantity in m3.

4 Ballasting:

.1 position of ship and time at start and end of ballasting;

.2 quantity of ballast if tanks are not cleaned, in m3.

(B) Discharge of dirty ballast or cleaning water from oil fuel tanks referred to under Section (A)

5 Identity of every tank.

6 Position of ship at start of discharge.

7 Position of ship on completion of discharge.

8 Each speed of ship during discharge.

9 Method of discharge:

.1 through 15 ppm equipment;

.2 to reception facilities.

10 Quantity discharged, in m³.

(C) Collection, transfer and disposal of oil residues (sludge)

11 Collection of oil residues (sludge).

Quantities of oil residues (sludge) retained on board. The quantity should be recorded weekly¹ : (this means that the quantity must be recorded once a week even if the voyage lasts more than one week):

1 Only those tanks listed in item 3.1 of Forms A and B of the Supplement to the IOPP Certificate used for oil residues (sludge).

.1 identity of every tank

.2 capacity of every tank in m³

.3 total quantity of retention m³

.4 quantity of residue collected by manual operation m³

(Operator initiated manual collections where oil residue (sludge) is transferred into an oil residue (sludge) holding tank).

12 Methods of transfer or disposal of oil residues (sludge).

State quantity of oil residues transferred or disposed of, every tank emptied and the quantity of contents retained in m³:

.1 to reception facilities (identify port)² ;

2 The ship's master should obtain from the operator of the reception facilities, which includes barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book Part 1, may aid the master of the ship in proving that the ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book Part 1.

.2 to each other tank (indicate every tank and the total content of every tank);

.3 incinerated (indicate total time of operation);

.4 other method (state which);

(D) Non-automatic starting of discharge overboard, transfer or disposal otherwise of bilge water which has accumulated in machinery spaces

13 Quantity discharged, transferred or disposed of, in m³.³

3 In case of discharge or disposal of bilge water from any holding tank, state identity and capacity of every holding tank and the quantity retained in holding tank.

14 Time of discharge, transfer, or disposal (start and stop).

15 Method of discharge, transfer, or disposal:

.1 through 15 ppm equipment (state position at start and end);

.2 to reception facilities (identify port)²;

.3 to slop tank or holding tank or other tank (indicate every tank; state quantity retained in every tank, in m³).

(E) Automatic starting of discharge overboard, transfer or disposal otherwise of bilge water which has accumulated in machinery spaces

16 Time and position of ship at which the system has been put into automatic mode of operation for discharge overboard, through 15 ppm equipment.

17 Time when the system has been put into automatic mode of operation for transfer of bilge water to holding tank (identify tank).

18 Time when the system has been put into manual operation.

(F) Condition of the oil filtering equipment

19 Time of system failure⁴.

4 The condition of the oil filtering equipment covers also the alarm and automatic stopping devices, if applicable.

20 Time when system has been made operational.

21 Reasons for failure.

(G) Accidental or other exceptional discharges of oil

22 Time of occurrence.

23 Place or position of ship at time of occurrence.

24 Approximate quantity and type of oil.

25 Circumstances of discharge or escape, the reasons therefor and general remarks.

(H) Bunkering of fuel or bulk lubricating oil

26 Bunkering:

.1 Place of bunkering.

.2 Time of bunkering.

.3 Type and quantity of fuel oil and identity of every tank (state quantity added, in tonnes and total content of every tank).

.4 Type and quantity of lubricating oil and identity of every tank (state quantity added, in tonnes and total content of every tank).”.



GIVEN under my Official Seal,

28 December 2010.

NOEL DEMPSEY,

Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations give effect to two amendments to Annex I of the MARPOL Convention, on the prevention of pollution by oil from ships, and come into effect on 1 January 2011.

Firstly, for ship-to-ship (STS) transfer operations for cargo oil, the Regulations apply to oil tankers of 150 gross tonnage and above and require such ships to maintain an STS Operations Plan and to provide notification of planned and actual STS operations.

Secondly, long-standing existing requirements are clarified to facilitate compliance by ships' crews for on board management of oil residue (sludge).

* Oily bilge water holding tank(s) are not required by the Convention; if such tank(s) are provided they shall be listed in Table 3.3.

1 Only those tanks listed in item 3.1 of Forms A and B of the Supplement to the IOPP Certificate used for oil residues (sludge).

2 The ship's master should obtain from the operator of the reception facilities, which includes barges and tank trucks, a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred, together with the time and date of the transfer. This receipt or certificate, if attached to the Oil Record Book Part 1, may aid the master of the ship in proving that the ship was not involved in an alleged pollution incident. The receipt or certificate should be kept together with the Oil Record Book Part 1.

3 In case of discharge or disposal of bilge water from any holding tank, state identity and capacity of every holding tank and the quantity retained in holding tank.

4 The condition of the oil filtering equipment covers also the alarm and automatic stopping devices, if applicable.

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